

ORAL ARGUMENT REQUESTED

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re: Methyl Tertiary Butyl Ether (“MTBE”) Products
Liability Litigation

**MDL No. 1358
Master File C.A. No.
1:00-1898 (SAS)**

This document relates to the following case:

*Commonwealth of Pennsylvania v.
Exxon Mobil Corp. et al.*
Case No. 1:14-cv-06228

PLEASE TAKE NOTICE that under Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6), LUKOIL Americas Corporation (“LAC”) hereby moves to dismiss all counts of the Second Amended Complaint (filed in the above-captioned action) that seek relief from LAC, and for such other and further relief as the Court determines to be just and proper. This motion is made upon the accompanying Amended Declaration of Vincent De Laurentis sworn to on January 7, 2016, and the exhibits thereto; LAC’s Memorandum in Support; and any reply brief and/or oral argument that may be submitted or made by LAC in support of this motion.¹

PLEASE ALSO TAKE NOTICE that LAC hereby joins in the arguments made in certain other defendants’ motion to dismiss. LAC’s understanding is that on January 8, 2016, several defendants named in this action will file a Rule 12(b)(6) motion to dismiss in which they will note LAC’s intention to join in their arguments by separate motion. LAC joins those arguments to dismiss to the extent they concern counts of the Second Amended Complaint brought against LAC, based upon any briefing and oral argument supporting those motions.

¹ Only the 12(b)(2) portion of the motion relies on the declaration and exhibits.

Respectfully submitted,

/s/ James P. Tuite

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Attorneys for LUKOIL Americas Corporation

Date: January 8, 2016

CERTIFICATE OF PRE-MOTION LETTER EXCHANGE

I hereby certify that, in accordance with this Court's Individual Rules and Procedures, Part IV.B, LUKOIL Americas Corporation described the basis for its motion in a letter to Plaintiff dated December 22, 2015. Plaintiff responded on January 4, 2016. Counsel were unable to eliminate the need for filing this Motion to Dismiss. I also certify that, upon information and belief, the Defendants filing the motion referenced above sent a pre-motion letter to Plaintiff on December 22, 2015; Plaintiff responded on January 8, 2016.

/s/ James P. Tuite

Date: January 8, 2016

CERTIFICATE OF SERVICE

I hereby certify that on January 8, 2016, a true and correct copy of this Notice of Motion to Dismiss was electronically served on counsel of record via LexisNexis File & Serve, along with the Amended Declaration of Vincent De Laurentis sworn to on January 7, 2016, and the exhibits thereto; and LAC's Memorandum in Support. A hard copy of those papers will be sent to opposing counsel by overnight delivery.

/s/ James P. Tuite

Date: January 8, 2016